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FILE NO: 74096.2

February 3, 2010

By Overnight Mail

Mr. Peter Magolske
U.S. Environmental Protection Agency
Office of Compliance and Enforcement, M/S OCE-127
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Mr. Brian Monson
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706

Re: Response to Paragraph No. 72—Quarterly Progress Report
Administrative Order on Consent for Nu-West Industries Idaho Facility
Docket No. RCRA-10-2009-0186

Dear Mr. Magolske and Mr. Monson:

In accordance with Paragraph 72 of the above-referenced Administrative Order on Consent ("Consent Order"), this letter serves as Nu-West Industries, Inc.'s ("Nu-West") quarterly progress report demonstrating that all activities associated with the Consent Order are being carried out. By letter dated September 25, 2009, Nu-West submitted to the U.S. Environmental Protection Agency ("EPA") and the Idaho Department of Environmental Quality ("IDEQ") the Sampling and Analysis Work Plan for Site Characterization ("Work Plan") prepared by WSP Environment and Energy ("WSP").

On October 22, 2009, Nu-West and WSP personnel met with EPA representatives at EPA Region 10's office located in Seattle, Washington to discuss the approach in developing the Work Plan. Nu-West is currently waiting on EPA's comments to the Work Plan. No other activities related to the Consent Order have been carried out during this time period.



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Mr. Peter Magolske

Mr. Brian Monson

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The certification required by Paragraph No. 75 of the Consent Order is included as an attachment to this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Michael S. Balster for".

P. Scott Burton

Attachment

cc: James Cagle

CERTIFICATION


I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Name: _____

Title: _____

Date: _____



Erik Vettegren

Plant Manager, CPO

2.3.10